

Town Council: *Brandon Brockmeier, Ray Burger, Cynthia Holdren, Joy Marino, Sarah Nock and Maphis Oswald*
Mayor: *Fletcher Fosque* | **Town Manager:** *Matt Spuck*

Planning Commission

March 6, 2023

5:30 PM Council Chambers

Agenda

- 1) Call to Order
- 2) Attendance/ Establish Quorum
- 3) Review meeting minutes from February 6, 2023
- 4) Proposed Ordinance Change: Signs
- 5) Proposed Ordinance Change: 38-1, 75, 76.
- 6) Nominations to fill open seat.
- 7) Commissioner comments
- 8) Adjourn

**Town of Onancock
Planning Commission Meeting
Monday, February 6, 2023
5:30 PM**

1) Call to Order

Chairperson Schreiber called the meeting to order at 5:30 PM.

2) Attendance/Establish Quorum

Commissioners Brockmeier, Byrd, Frey, and Tunstall were present. Chairperson Schreiber was also present. Commissioner Bagwell was not present. Commissioner Fosque resigned effective January 23, 2023. A quorum was established.

Town Manager Matt Spuck and Town Clerk Debbie Caton were present.

3) Review meeting minutes from December 5, 2022

Commissioner Tunstall moved to approve the minutes. Commissioner Frey seconded the motion. The motion passed with 5-0 vote.

4) Short term rental application: 51 North St.

Stanley Thompson submitted a special use permit Homestay application. All requirements were met, and the application is compliant. Commissioner Tunstall moved to pass along the application to Town Council for a public hearing. Commissioner Frey seconded the motion. The vote passed with a 5-0 vote.

5) Short term rental application: 9 Liberty St.

Karen and Christopher Davis submitted a special use permit Homestay application. All requirements were met, and the application is compliant. Commissioner Brockmeier moved to pass along the application to Town Council for a public hearing. Commissioner Frey seconded the motion. The vote passed with a 5-0 vote.

6) Proposed ordinance change – Property Maintenance

Town Manager Spuck presented changes and updates to Property Maintenance ordinance. After approval from the Planning Commission, Town Manger Spuck will forward to the attorney for a final draft. A joint public hearing will be advertised for the February 27, 2023, Town Council meeting. Commissioner Frey moved to approve the property maintenance ordinance. Commissioner Brockmeier seconded the motion. The motion passed with a 5-0 vote.

7) Zoning ordinance to review over the next 12 months

Town Manager Spuck proposed a list of ordinances to review in 2023. No objections from the Commissioners.

8) Commissioner Comments

Chairperson Schreiber asked Town Manager Spuck to post the open Commissioner's seat to the town website and other advertising platforms.

**Town of Onancock
Planning Commission Meeting
Monday, February 6, 2023
5:30 PM**

9) Adjourn

Commissioner Frey moved to adjourn the meeting. Commissioner Brockmeier seconded the motion. The motion passed with a 5-0 vote. The meeting adjourned at 6:15 PM.

ARTICLE XI. SIGN REGULATIONS

Sec. 38-405. Statement of purpose.

The purpose of this article is to create the legal framework for a comprehensive but balanced system of signs, and thereby to facilitate harmonious and effective communication between people and their environment and to alleviate the proliferation of signs that are detrimental to the visual environment and economic vitality of Onancock. Further, the purposes of these sign regulations are also:

- (1) To encourage the use of signs which are compatible with their surroundings;
- (2) To maintain and enhance the aesthetic environment and the town's ability to attract sources of economic growth;
- (3) To minimize adverse impacts of signs on nearby public and private properties;
- (4) To protect property values;
- (5) To protect against inappropriate or hazardous visual encroachment and complement the characters of the town's neighborhoods and zoning districts.
- (6) To enable the fair and consistent enforcement of sign regulations; and
- (7) To protect the public's health, safety, and welfare.

~~The following sign regulations are established to ensure compatibility of signs with surrounding land usage, to enhance the economy of the town, to protect the public investment in streets and highways, to promote the safety and recreational value of public travel, to preserve natural beauty and to promote the reasonable, orderly and effective display of outdoor advertising.~~

(Code 1989, § 24-73; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-406. Applicability, administration, and enforcement of sign regulations.

- (1) *Applicability of articles.* The regulations contained in this article shall apply to all zoning districts in the town, unless expressly superseded by the specific provisions set forth herein. If there is a conflict between the requirements of the articles herein, the requirement of the more specific article shall apply.
- (2) *Administration and enforcement of chapter.*
 - (a) It shall be unlawful to display, erect, paint, or otherwise maintain a sign except in conformance with this chapter.
 - (b) In cases where contiguous zoning is different, the more restrictive zoning classification shall be considered the contiguous zoning classification. In cases where there is no contiguous zoning, the maximum sign area for the district shall be permitted.
 - (c) This chapter, and the various parts, sections, and clauses hereof, are hereby declared to be severable. If any part, section, or clause is adjudged invalid, the remainder shall remain in full force and effect.
- (3) *Permit required.* Except where expressly provided, a permit shall be required prior to the erection, display, alteration, repair, or relocation of any sign, including sign face replacement. A permit shall not be required

for routine maintenance or a change in changeable copy to a legally existing sign that results in no alteration to the sign structure.

(a) Permits for permanent signage shall be governed by the Uniform Statewide Building Code.

(b) A complete permit application shall include the following:

(i) A fully completed sign permit application in a form set forth by the Town of Onancock, which shall include all information necessary to ascertain compliance with the town code and zoning ordinance; and

(ii) A non-refundable fee as set forth in section 16-1 of the town code.

(CivicPlus to provide)

Sec. 38-407. Prohibited signs.

The following types of signs are prohibited:

(a) Signs not expressly permitted in, or which violate any provision of, this chapter.

(b) Signs located on a public right-of-way or other town-owned property without a permitted encroachment agreement, which are subject to immediate removal without notice.

(c) Signs displayed on any vehicle unless the vehicle is licensed in accordance with state and local requirements and has a current state registration and inspection.

(d) Abandoned nonconforming signs (defined as signage on the property of an abandoned businesses in an unoccupied structure), which the town may order removal of provided the town gives the owner of the property on which the sign is located written notice to remove the sign. Such notice may not be given until the expiration of a one-year period necessary for the nonconforming sign to be considered abandoned. If, following such one-year period, the town has made a reasonable attempt to notify the property owner, the town through its own agents or employees may enter the property upon which the sign is located and remove any such sign whenever the owner has refused to do so. The cost of such removal shall be chargeable to the owner of the property. Nothing herein shall prevent the town from applying to a court of competent jurisdiction for an order requiring the removal of such abandoned nonconforming sign by the owner by means of injunction or other appropriate remedy.

(e) Discontinued signs (defined as signage pertaining to businesses or services not operating on the property for twelve consecutive months), which shall require the owner of the property on which the discontinued sign is located to:

(i) Remove the sign face and remove all lighting if sign directly attached to a structure, or

(ii) Remove the sign structure entirely if the sign is free standing.

(f) Internally lighted signage in the B-1, B-W, or any Residentially zoned structure

Sec. 38-406408. Advertising outdoors-regulated.

No person except a public officer or town employee in performance of a public duty, shall paste, post, paint, print, nail, tack, erect, place, maintain or fasten any sign, pennant, flags, outdoor advertising signs, billboard or notice of any kind, or cause the same to be done, facing or visible display in any fashion or manner any advertisement or message on any town owned property, from any public street or public open space, except as provided in this article.

Sec. 38-407409. Signs and flags permitted by right in the various districts.

(a) The following are signs and flags permitted by right in the various districts:

- (1) Memorial tablets or signs ~~SIZE LIMIT?~~ of less than four square feet.
- (2) Signs required to be maintained by law or governmental order, including traffic control devices, rule or regulation, with a total surface area not exceeding ten-four square feet on any lot or parcel.
- (3) Signs which are within a ~~ball park~~ballpark or other similar ~~public or public-private~~public or public-private recreational use and which cannot be seen from a public street or adjacent properties. SIGNS AT BALLPARK ARE VISIBLE ON HARTMAN
- (4) Flags or emblems of civic, governmental, philanthropic, educational or religious organizations, ~~and corporate designed flags.~~
- (5) Signs displayed for the direction or convenience of the public, including signs which identify restrooms, ~~location of public telephones, freight entrances, no trespassing and posted signs or the like not exceeding a total area of eight square feet per sign.~~ DO WE WANT AN 8 FOOT NO TRESPASSING SIGN?
- (6) Signs placed by a public utility less than four square feet ~~showing the location of underground facilities.~~
- (7) Church bulletin board and identification signs with a total surface area not exceeding 20 square feet per sign.
- (8) Home occupation signs with a total surface area not exceeding four square feet per sign may not be illuminated.
- (9) Up to ~~four~~two signs, not to exceed four square feet each, advertising the sale or rent of the specific premises where the sign is located.
- (10) In the B-1, B-2, and B-W districts, one sSigns or a combination of letters of up to 32 square feet may be attached to a ~~building or structure~~building, structure, or awning, where business is conducted on the premises, for the purpose of advertising and displaying the name, address, and/or a business slogan, of ~~the that~~ specific business.
- (11) One sign ~~Signs in addition to the sign with the business name may~~ advertising only the price of a product or service, provided that the sign is attached to a permanent structure on the ~~specific~~ premises where the business is located. These signs shall be no larger than 16 square feet and limited to the B-1, B-~~22~~, and B-W districts.
- (12) In the B-1 and B-W districts, but not in residential districts, up to 32 square feet of signage shall be permitted by right only on the specific premises where the business is located, subject to other applicable provisions of this article. See B-2, Business District Highway for specific provisions relating to that district. Window signs that do not cover more than 30% of the area of the window on which they are displayed
- (13) Changeable letter signs permanently affixed to the building
- (14) Non-commercial signs in residentially zoned areas providing occupant name or address information
- (15) Murals painted directly on the structure with no reference to any business or product or service

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- (b) All signs and supporting structures shall be maintained in good repair ~~as determined by the Town Manager that meet standards that any reasonable person would see fit.~~

(Code 1989, § 24-75; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-~~408~~410. Determination of sign area.

In measuring the area of signs permitted under these regulations, the entire face of the sign (on one side only) shall be included. Where both sides of the sign contain lettering or other allowable display, one side only shall be used to compute the allowable size of the sign. Where the sign consists of individual raised letters or a sign face of irregular shape, the sign area shall include the area of the smallest rectangle that can encompass the letters or sign face.

(Code 1989, § 24-76; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-~~409~~411. Height regulations.

Signs shall not exceed a height of 20 feet above ground level or the street to which it is oriented, whichever is higher. In no case will any sign project above the top of the building to which it is attached.

(Code 1989, § 24-77; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-~~410~~412. General regulations.

- (a) Except for authorized traffic signs, no sign shall be erected at the intersection of any streets in such a manner as to create a traffic hazard by obstructing vision between heights of 2 ½ feet and eight feet; or at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign.
- (b) No sign will be erected which imitates or resembles any official traffic sign, signal or device or uses the words "stop" or "danger" prominently displayed or presents or implies the need or requirement of stopping or the existence of danger on any street.
- (c) No sign will be erected which advertises any activities which are illegal under state or federal law or regulations in effect at the location of such sign or at the location of such activities.
- (d) No sign will be erected which is inconsistent with state law or the provisions of this chapter.
- (e) No sign will be ~~erected~~allowed which involves noise, motion, or rotation of any part of the structure or displays intermittent or flashing lights, neon lights, inflatable, scrolling sign, television or computer displays visible from the street, marquee, or projections signs.
- (f) No sign will be erected which is mobile or on wheels. ~~Except for signs attached to buildings or permanent structures and those permitted in section 38-407(9) and (10), all other signs of whatever type or size permitted in this chapter.~~ All permanent, free-standing signage shall be permanently anchored in concrete or permanently attached to piling or posts firmly embedded in the ground. ~~All wheels and other portable structural equipment shall be removed from the structure.~~
- (g) The bottom of an overhanging sign or awning shall be at least eight feet above the ground.
- ~~(h) No sign or display of any kind may reference a body part, human or otherwise, or make any mention of sexual activity whether directly or through innuendo. No sign may contain any photograph, silhouette, drawing, or pictorial representation or description of any specified anatomical area or sexual act, whether direct or inferred.~~

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- (h) Sandwich board signage must be removed when the business is not open. When the business is open, the sandwich board must leave reasonable space for pedestrians to pass safely. Temporary signs for limited business events may be placed using the standards of this ordinance and may be used for no more than 10-days. One temporary sign for real estate sales and property rentals are permitted on the property to which the sale and rental pertains.
- (i) Except where expressly provided, a permit shall be required prior to the erection, display, alteration, repair, or relocation of any sign, including face replacement. A permit shall not be required for routine maintenance or a change in changeable copy to a legally existing sign that results in no alteration of the sign structure.
- (j) Any banner wishing to advertise an event on town owned property must be approved by the Town Manager for placement and timing (no longer than 6 weeks). Banners determined unreadable in their entirety from a moving vehicle will not be approved. Banners that fall or sag and become unreadable must be corrected within 24-hours or the town will remove the banner.
- (k) Externally lit signs must be illuminated with steady, stationary fixtures and shall be directed downward at the sign without causing glare to pedestrians or vehicles.

(Code 1989, § 24-78; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-~~411~~413. Nonconforming signs.

Any sign lawfully in existence at the time of the effective date of the ordinance from which this chapter is derived may be maintained although it does not conform with the provisions of this chapter. ~~Such nonconforming signs shall comply in all respects with the requirements of article XIII of this chapter relating to nonconforming uses. If such nonconforming sign is destroyed, demolished, or removed due to any reason, it shall not be replaced without complying with all provisions of this article XI. No nonconforming sign may be enlarged, extended altered, relocated, or replaced. Any damaged or destroyed nonconforming sign requiring repairs at a cost of fifty percent or more of the replacement cost of the sign shall be removed or brought into conformity with the current ordinance. Replacement cost shall be calculated using a substantially similar sign with the same materials as the original sign and shall only include the cost of the supporting structure, foundation, and sign face(s).~~

(Code 1989, § 24-79; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-~~412~~414. Off-premises signs.

Off-premises signs are not permitted in any district except for banners for events sponsored by civic, philanthropic or religious organizations. ~~Off-premises signs shall not exceed three square feet in area~~ See 38-4XX for guidelines.

(Code 1989, § 24-80; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-415. Enforcement.

- a) In the event the owner, occupant or other person responsible for any property shall fail or refuse to, abide by the terms herein, the Town Manager or designee shall give written notice without confirmation of receipt to the owner of such property correct the violation as described by this ordinance within thirty (30) days from the date of such notice and to so maintain it thereafter. One such written notice shall satisfy the notice requirement above to authorize the Town to take corrective measures. The owner shall reimburse the town for all costs incurred to bring the signage into compliance with this code. In addition to these costs, a violation of this subsection shall be punishable as a criminal misdemeanor with a fine of at least \$100.00. Each day after the 30-day period which the condition is ongoing shall constitute a separate offense

and fines will accumulate up to \$1,000.00. Such fine shall be collected by the Town pursuant to the same procedures and in the same manner as real estate taxes and shall be a real estate tax lien upon such land.

2) Notice may be made by direct posting on the property front door, regular postal delivery, email, hand delivery, verbally, or certified mail. In case the notice referred to in this section cannot reasonably be served on the owner, or when such notice is mailed to the owner's last known address as shown in the Town office, and such owner fails to comply with such notice, the sign may be removed by the Town or designee and the necessary expenses of such shall be chargeable to such owner. The Town Manager shall certify such expenses. Such expenses, when so certified, together with a one hundred fifty-dollar (\$150.00) service charge per occurrence, shall be collected by the Town pursuant to the same procedures and in the same manner as real estate taxes and shall be a real estate tax lien upon such land.

(Civic Plus to assign)

Secs. 38-~~4134~~16—38-437. Reserved.

ARTICLE XI. SIGN REGULATIONS

Sec. 38-405. Statement of purpose.

The purpose of this article is to create the legal framework for a comprehensive but balanced system of signs, and thereby to facilitate harmonious and effective communication between people and their environment and to alleviate the proliferation of signs that are detrimental to the visual environment and economic vitality of Onancock. Further, the purposes of these sign regulations are also:

- (1) To encourage the use of signs which are compatible with their surroundings;
- (2) To maintain and enhance the aesthetic environment and the town's ability to attract sources of economic growth;
- (3) To minimize adverse impacts of signs on nearby public and private properties;
- (4) To protect property values;
- (5) To protect against inappropriate or hazardous visual encroachment and complement the characters of the town's neighborhoods and zoning districts.
- (6) To enable the fair and consistent enforcement of sign regulations; and
- (7) To protect the public's health, safety, and welfare.

(Code 1989, § 24-73; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-406. Applicability, administration, and enforcement of sign regulations.

- (1) *Applicability of articles.* The regulations contained in this article shall apply to all zoning districts in the town, unless expressly superseded by the specific provisions set forth herein. If there is a conflict between the requirements of the articles herein, the requirement of the more specific article shall apply.
- (2) *Administration and enforcement of chapter.*
 - (a) It shall be unlawful to display, erect, paint, or otherwise maintain a sign except in conformance with this chapter.
 - (b) In cases where contiguous zoning is different, the more restrictive zoning classification shall be considered the contiguous zoning classification. In cases where there is no contiguous zoning, the maximum sign area for the district shall be permitted.
 - (c) This chapter, and the various parts, sections, and clauses hereof, are hereby declared to be severable. If any part, section, or clause is adjudged invalid, the remainder shall remain in full force and effect.
- (3) *Permit required.* Except where expressly provided, a permit shall be required prior to the erection, display, alteration, repair, or relocation of any sign, including sign face replacement. A permit shall not be required for routine maintenance or a change in changeable copy to a legally existing sign that results in no alteration to the sign structure.
 - (a) Permits for permanent signage shall be governed by the Uniform Statewide Building Code.
 - (b) A complete permit application shall include the following:

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- (i) A fully completed sign permit application in a form set forth by the Town of Onancock, which shall include all information necessary to ascertain compliance with the town code and zoning ordinance; and
 - (ii) A non-refundable fee as set forth in section 16-1 of the town code.

(CivicPlus to provide)

Sec. 38-407. Prohibited signs.

The following types of signs are prohibited:

- (a) Signs not expressly permitted in, or which violate any provision of, this chapter.
- (b) Signs located on a public right-of-way or other town-owned property without a permitted encroachment agreement, which are subject to immediate removal without notice.
- (c) Signs displayed on any vehicle unless the vehicle is licensed in accordance with state and local requirements and has a current state registration and inspection.
- (d) Abandoned nonconforming signs (defined as signage on the property of an abandoned businesses in an unoccupied structure), which the town may order removal of provided the town gives the owner of the property on which the sign is located written notice to remove the sign. Such notice may not be given until the expiration of a one-year period necessary for the nonconforming sign to be considered abandoned. If, following such one-year period, the town has made a reasonable attempt to notify the property owner, the town through its own agents or employees may enter the property upon which the sign is located and remove any such sign whenever the owner has refused to do so. The cost of such removal shall be chargeable to the owner of the property. Nothing herein shall prevent the town from applying to a court of competent jurisdiction for an order requiring the removal of such abandoned nonconforming sign by the owner by means of injunction or other appropriate remedy.
- (e) Discontinued signs (defined as signage pertaining to businesses or services not operating on the property for twelve consecutive months), which shall require the owner of the property on which the discontinued sign is located to:
 - (i) Remove the sign face and remove all lighting if sign directly attached to a structure, or
 - (ii) Remove the sign structure entirely if the sign is free standing.
- (f) Internally lighted signage in the B-1, B-W, or any Residentially zoned structure

Sec. 38-408. Advertising outdoors.

No person except a public officer or town employee in performance of a public duty, shall display in any fashion or manner any advertisement or message on any town owned property..

(Code 1989, § 24-74; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-409. Signs and flags permitted by right in the various districts.

- (a) The following are signs and flags permitted by right in the various districts:
 - (1) Memorial tablets or signs of less than four square feet.

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- (2) Signs required to be maintained by law or governmental order, including traffic control devices, rule or regulation, with a total surface area not exceeding four square feet on any lot or parcel.
 - (3) Signs which are within a ballpark or other similar public recreational use
 - (4) Flags or emblems of civic, governmental, philanthropic, educational or religious organizations.
 - (5) Signs displayed for the direction or convenience of the public, including signs which identify restrooms
 - (6) Signs placed by a public utility less than four square feet.
 - (7) Church bulletin board and identification signs with a total surface area not exceeding 20 square feet per sign.
 - (8) Home occupation signs with a total surface area not exceeding four square feet per sign may not be illuminated.
 - (9) Up to two signs, not to exceed four square feet each, advertising the sale or rent of the specific premises where the sign is located.
 - (10) In the B-1, B-2, and B-W districts, one sign or a combination of letters of up to 32 square feet may be attached to a building, structure, or awning, where business is conducted on the premises, for the purpose of advertising and displaying the name, address, and/or a business slogan, of that specific business.
 - (11) One sign in addition to the sign with the business name may advertise the price of a product or service, provided that the sign is attached to a permanent structure on the premises where the business is located. These signs shall be no larger than 16 square feet and limited to the B-1, B-2, and B-W districts.
 - (12) Window signs that do not cover more than 30% of the area of the window on which they are displayed
 - (13) Changeable letter signs permanently affixed to the building
 - (14) Non-commercial signs in residentially zoned areas providing occupant name or address information
 - (15) Murals painted directly on the structure with no reference to any business or product or service

(b) All signs and supporting structures shall be maintained in good repair.

(Code 1989, § 24-75; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-410. Determination of sign area.

In measuring the area of signs permitted under these regulations, the entire face of the sign (on one side only) shall be included. Where both sides of the sign contain lettering or other allowable display, one side only shall be used to compute the allowable size of the sign. Where the sign consists of individual raised letters or a sign face of irregular shape, the sign area shall include the area of the smallest rectangle that can encompass the letters or sign face.

(Code 1989, § 24-76; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-411. Height regulations.

Signs shall not exceed a height of 20 feet above ground level or the street to which it is oriented, whichever is higher. In no case will any sign project above the top of the building to which it is attached.

(Code 1989, § 24-77; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-412. General regulations.

- (a) Except for authorized traffic signs, no sign shall be erected at the intersection of any streets in such a manner as to create a traffic hazard by obstructing vision between heights of 2 ½ feet and eight feet; or at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign.
- (b) No sign will be erected which imitates or resembles any official traffic sign, signal or device or uses the words "stop" or "danger" prominently displayed or presents or implies the need or requirement of stopping or the existence of danger on any street.
- (c) No sign will be erected which advertises any activities which are illegal under state or federal law or regulations in effect at the location of such sign or at the location of such activities.
- (d) No sign will be erected which is inconsistent with state law or the provisions of this chapter.
- (e) No sign will be allowed which involves noise, motion, or rotation of any part of the structure or displays intermittent or flashing lights, neon lights, inflatable, scrolling sign, television or computer displays visible from the street, marquee, or projections signs.
- (f) No sign will be erected which is mobile or on wheels. All permanent, free-standing signage shall be permanently anchored in concrete or permanently attached to piling or posts firmly embedded in the ground.
- (g) The bottom of an overhanging sign or awning shall be at least eight feet above the ground.
- (h) Sandwich board signage must be removed when the business is not open. When the business is open, the sandwich board must leave reasonable space for pedestrians to pass safely. Temporary signs for limited business events may be placed using the standards of this ordinance and may be used for no more than 10-days. One temporary sign for real estate sales and property rentals are permitted on the property to which the sale and rental pertains.
- (i) Except where expressly provided, a permit shall be required prior to the erection, display, alteration, repair, or relocation of any sign, including face replacement. A permit shall not be required for routine maintenance or a change in changeable copy to a legally existing sign that results in no alteration of the sign structure.
- (j) Any banner wishing to advertise an event on town owned property must be approved by the Town Manager for placement and timing (no longer than 6 weeks). Banners determined unreadable in their entirety from a moving vehicle will not be approved. Banners that fall or sag and become unreadable must be corrected within 24-hours or the town will remove the banner.
- (k) Externally lit signs must be illuminated with steady, stationary fixtures and shall be directed downward at the sign without causing glare to pedestrians or vehicles.

(Code 1989, § 24-78; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-413. Nonconforming signs.

Any sign lawfully in existence at the time of the effective date of the ordinance from which this chapter is derived may be maintained although it does not conform with the provisions of this chapter. No nonconforming sign may be enlarged, extended, altered, relocated, or replaced. Any damaged or destroyed nonconforming sign requiring repairs at a cost of fifty percent or more of the replacement cost of the sign shall be removed or brought into conformity with the current ordinance. Replacement cost shall be calculated using a substantially similar sign with the same materials as the original sign and shall only include the cost of the supporting structure, foundation, and sign face(s).

(Code 1989, § 24-79; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-414. Off-premises signs.

Off-premises signs are not permitted in any district except for banners for events sponsored by civic, philanthropic or religious organizations. See 38-4XX for guidelines.

(Code 1989, § 24-80; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-415. Enforcement.

- a) In the event the owner, occupant or other person responsible for any property shall fail or refuse to, abide by the terms herein, the Town Manager or designee shall give written notice without confirmation of receipt to the owner of such property correct the violation as described by this ordinance within thirty (30) days from the date of such notice and to so maintain it thereafter. One such written notice shall satisfy the notice requirement above to authorize the Town to take corrective measures. The owner shall reimburse the town for all costs incurred to bring the signage into compliance with this code. In addition to these costs, a violation of this subsection shall be punishable as a criminal misdemeanor with a fine of at least \$100.00. Each day after the 30-day period which the condition is ongoing shall constitute a separate offense and fines will accumulate up to \$1,000.00. Such fine shall be collected by the Town pursuant to the same procedures and in the same manner as real estate taxes and shall be a real estate tax lien upon such land.
- 2) Notice may be made by direct posting on the property front door, regular postal delivery, email, hand delivery, verbally, or certified mail. In case the notice referred to in this section cannot reasonably be served on the owner, or when such notice is mailed to the owner's last known address as shown in the Town office, and such owner fails to comply with such notice, the sign may be removed by the Town or designee and the necessary expenses of such shall be chargeable to such owner. The Town Manager shall certify such expenses. Such expenses, when so certified, together with a one hundred fifty-dollar (\$150.00) service charge per occurrence, shall be collected by the Town pursuant to the same procedures and in the same manner as real estate taxes and shall be a real estate tax lien upon such land.

(Civic Plus to assign)

Secs. 38-416—38-437. Reserved.

Sec. 38-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory use or structure means a subordinate use or structure customarily incidental to and located upon the same lot occupied by the main use or building.

Acreage means a parcel of land, regardless of area, described by metes and bounds which is not numbered lot on any recorded subdivision plat.

~~Administrator~~, *Administrator* means the official charged with the enforcement of this chapter. He may be any appointed or elected official who is, by formal resolution, designated to the position by the town council. He may serve with or without compensation as determined by the town council.

Agriculture means the tilling of the soil, the raising of crops, horticulture, forestry and gardening, including the keeping of animals and fowl, and including any agricultural industry or business, such as fruit packing plants, dairies, or similar uses.

Alteration means any change in the total floor area, use, adaptability or external appearance of an existing structure.

Antenna means any apparatus designed for telephonic, data, ~~radio~~radio, or television communications through the sending and/or receiving of radio frequency waves.

Apartment means one or more rooms designed for living and sleeping purposes by a family and having at least one kitchen and one bathroom.

Apartment house means a building used or intended to be used as the residence of three or more families living independently of each other.

Attached structure means a structure which is otherwise complete ~~in itself and~~ depends for structural support or complete enclosure upon a division wall and roofline shared in common with an adjacent structure, such that such attachment is not able to be removed without significant damage to either or both structures. Typically, an attached structure should open directly unto the rest of the dwelling via a doorway such that entry between structures is made without going outside.

Automobile graveyard means any lot or place which is exposed to the weather upon which more than five motor vehicles of any kind, incapable of being operated, and which is would not be economically practical to make operative, are placed, ~~located~~located, or found.

Basement means a story having part but not more than one-half of its height below grade.

Bed and breakfast house means a dwelling where lodging and breakfast is provided for compensation for up to five guest rooms (in contradistinction to hotels, ~~boardinghouses~~boardinghouses, and tourist homes) and open to transients. ~~One person may be hired to assist in the operation of the establishment~~The operators of the bed and breakfast must live on-site.

Boardinghouse means a building where, for compensation, lodging and meals are provided for up to 14 persons.

Building means any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or chattels.

Building, accessory, means a subordinate structure customarily incidental to and located upon the same lot occupied by the main structure. No such accessory structure shall be used for residential purposes, unless it meets the definition of an attached structure as defined in this section. For the purposes of this definition, the term "residential purposes" means designed for living and sleeping purposes and having at least one kitchen and one

bathroom. Garages or other accessory structures, such as carports, porches, and stoops attached to the main building, shall be considered as part of the main building.

Building, height of, means the vertical distance measured from the level of the curb or the established curb grade opposite the middle of the structure to the highest point of the roof if a flat roof, to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof. For buildings set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.

Building, main, means the principal structure or one of the principal buildings on a lot, or the building or one of the principal buildings housing the principal use on the lot.

Cellar means a story having more than one-half of its height below grade and which may not be occupied as a single-family dwelling.

Commission means the planning commission of the town.

Condominium means ownership of single units in multiple unit structure or complex.

District means the same as that term is defined in Code of Virginia, § 15.2-2280.

Dwelling means any structure which is designed for use for residential purposes, except hotels, boardinghouses, tourist cabins, apartments, automobile trailers, mobile homes, and manufactured homes.

Dwelling, garden style, means a structure arranged or designed to be occupied by three or four families, the structure having three or four attached dwelling units sharing a common landscaped garden entryway and grounds.

Dwelling, multifamily, means a structure arranged or designed to be occupied by five or more families, the structure having five or more attached dwelling units.

Dwelling, single family, means a structure arranged or designed to be occupied by one family, the structure having only one dwelling unit. The term "single-family dwelling" excludes the term "manufactured home, [or mobile home](#)" as defined in this section.

Dwelling, townhouse, means one of a series of from three to eight attached single-family dwelling units, under single or multiple ownership, separated by continuous vertical firewalls without openings from basement floor to roof. A townhouse dwelling may have diversified architectural facades, rooflines, and/or treatment of materials and may have varied front and rear setbacks.

Dwelling, two-family, means a structure arranged or designed to be occupied by two families, with the structure having only two dwelling units. [May be referred to as "duplex."](#)

Dwelling unit means one or more rooms in a dwelling designed for living or sleeping ~~purposes, and~~ [purposes](#) ~~and~~ having at least one kitchen and one bathroom.

Family means:

- 1) ~~(1)~~—An individual living alone in a dwelling unit;
- 2) ~~(2)~~—Any of the following groups of persons, living together and sharing living areas in a dwelling unit;
 - a) ~~(3)~~—Two or more persons related by blood, marriage, adoption, or approved foster care;
 - b) ~~(4)~~—A group of not more than four persons (including servants) who need not be related by blood, marriage, adoption or approved foster care;
 - c) ~~(5)~~—A group of not more than eight mentally ill, mentally retarded or developmentally disabled persons residing with one or more resident counselors or other staff persons and licensed by the department of mental health, mental retardation and substance abuse services, provided that mental

illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in Code of Virginia, § 54.1-3401.

d) ~~(6)~~ —A group of not more than two adults, who need not be related by blood or marriage, and the dependent children of each of the two adults, provided that the children are under the age of 19 years or are physically or developmentally disabled.

~~d)e)~~ We need to address maximum residency by non-family

Fence means a barrier, intended to prevent escape or intrusion or to mark a boundary, especially such a barrier made of posts and wire or boards. For the purposes of this chapter, a fence shall not be construed as a structure.

Frontage means the minimum width of a lot measured from one side lot line to the other along a straight line on which no point shall be further away from the street upon which the lot fronts than the building setback line as defined and required herein.

Garage, private, means an accessory building designed or used for the storage of automobiles owned and used by the occupants of the building to which it is accessory.

Garage, public, means a building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling, or storing motor-driven vehicles.

Guest room means a room which is intended, arranged, or designed to be occupied, or which is occupied, by one or more guests paying direct or indirect compensation therefor, but in which no provision is made for cooking. Dormitories are excluded.

Historical area means an area indicated on the zoning map to which the provisions of this chapter apply for protection of a historical heritage.

Home garden means a garden in a residential district ~~for the production of~~ to produce vegetables, fruits and flowers generally for use and/or consumption by the occupants of the premises.

Home occupation means any occupation or profession carried on in a dwelling unit or accessory building in accordance with the article III of this chapter.

Hospital means an institution rendering medical, surgical, ~~obstetrical~~ obstetrical, or convalescent care, including nursing homes, homes for the aged and sanatoriums, but in all cases excluding institutions primarily for mental patients, epileptics, alcoholics, or drug addicts. Certain nursing homes and homes for the aged may be home occupations if they comply with the definition herein.

Hotel means a building containing six or more bedrooms designed or occupied as a temporary abiding place open to the public, where for compensation, transient persons are lodged, with or without meals, but in which no provision is made for cooking in individual rooms or suites.

Inns means to allow for the renting of rooms to transients.

Junk yard means an establishment or place of business, which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills.

Kennel means any place in which more than three dogs, more than six months of age are kept, or any number of dogs are kept for the purpose of sale or rental or in connection with boarding, care, or breeding, for which any fee is charged.

Lot means a parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open spaces, lot width, and lot areas as are required by this chapter, and having frontage upon a street, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

Lot, corner, means a lot abutting on two or more streets at their intersection. Of the two sides of a corner lot, the front shall be deemed to be the shortest of the two sides fronting on streets.

Lot, depth of, means the average horizontal distance between the front and rear lot lines.

Lot, double frontage, means an interior lot having frontage on two streets.

Lot, interior, means any lot other than a corner lot.

Lot of record means a lot which has been recorded in the clerk's office of the circuit court.

Lot, width, means the width of any lot at the setback line, calculated by measuring back a uniform distance from the street line. The setback line shall also curve or angle uniformly with the street line and the lot width shall be calculated along the said curve or angle setback line.

Manufacture and/or manufacturing means the processing and/or converting of raw, unfinished materials, or products, or either of them, into articles or substances of different character, or for use for a different purpose.

Manufactured home and mobile home means a structure subject to federal regulation, which is:

- (1) Is transportable in one or more sections;
- (2) Is eight body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on the site; is built on a permanent chassis;
- (3) Is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and
- (4) Includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

~~*Mobile home, automobile trailer or tent*~~ means any vehicle, tent or similar easily moveable or portable structure, supported on wheels, jacks, skids or skirting, or on any other type of foundation, and so designed or constructed as to permit occupancy for dwelling or sleeping purposes, but does not include manufactured homes as that term is defined in this section and the Code of Virginia.

~~*Mobile home park or subdivision*~~ *park or subdivision* means any area of ten acres or more designed to accommodate 50 or more mobile homes intended for residential use where residence is in mobile homes exclusively.

Modular home means dwelling fabricated off-site but assembled in portions on site. This construction method is also known as pre-fab, or pre-fabricated homes.

Motor home means fully self-contained unit which is built on a truck or bus chassis and designed as temporary living accommodations for recreation, camping, and travel use.

Nonconforming activity or use means the otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this chapter for the district in which it is located, either at the effective date of the ordinance from which this chapter is derived or ~~as a result of~~ because of subsequent amendments to this chapter.

Nonconforming lot means an otherwise legally platted lot that does not conform to the minimum area or width requirements of this chapter for the district in which it is located, either at the effective date of the ordinance from which this chapter is derived or ~~as a result of~~ because of subsequent amendments to this chapter.

Nonconforming structure means an otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage, or other area regulations of this chapter, or is designed or intended for a use that does not conform to the use regulations of this chapter for the district in which it is located, either at the effective date of the ordinance from which this chapter is derived or as a result of subsequent amendments to this chapter.

Noxious materials mean any materials which are injurious to health upon casual human exposure without protective clothing or other protective equipment.

Parking space means an area with an all-weather surface, enclosed or unenclosed, sufficient in size to store one automobile together with a surfaced driveway connecting the parking space with a street or alley and permitting ingress or egress by an automobile. The surface material may be gravel, shell, or any other similar material, or asphalt.

Parking area, off-street, means parking space provided for vehicles outside the dedicated street right-of-way.

Principal use or structure means the main use of a lot or structure as distinguished from a secondary or accessory use on the same lot.

Public water and sewer systems means a water or sewer system owned and operated by the town or owned and operated by a private individual or a corporation approved by the town council and properly licensed by the state corporation commission, and subject to special regulations as herein set forth.

Recreational vehicle means vehicular-type structure designed as temporary living accommodations for recreation, camping, and travel use. There are four basic types of recreational vehicles, including travel trailers, motor homes, truck campers and camping trailers.

Required open space means any space required in any front, side, or rear yard.

Restaurant means any building in which, for compensation, food or beverages are dispensed for consumption on the premises including, among other establishments, cafes, tea rooms, confectionery shops, or refreshment stands.

Retail ~~stores and shops~~ stores and shops mean buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood, and lumber yards) such as the following which serve as illustration: drug store, newsstand, food store, candy shop, milk dispensary, dry goods and notions store, antique store and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and electronics store, tailor shop, barbershop and beauty shop.

Rooming house ~~Rooming house~~ means a building where, for compensation, lodging, but not meals, is provided for up to 14 persons.

Setback means the minimum distance by which any building or structure must be separated from the front lot line.

Sign means any display of any letters, words, numerals, figures, device, emblems, pictures, or any parts of combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, where such display be made on, attached to, or as a part of a structure, surface, or any other thing including, but not limited to, the ground, any rock, tree or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is made.

Sign structure means and includes the supports, uprights, bracing, and framework of any structure, be it single-faced, double-faced, V-type, or otherwise exhibiting a sign.

Sign, temporary, means a sign applying to a seasonal or other brief activity, such as, but not limited to, real estate, summer camps, horse shows, auctions, or sale of land. Temporary signs shall conform in size and type to directional signs.

Special exception means a use of land authorized by a special use permit issued by the town council as a legislative action pursuant to Code of Virginia, § 15.2-2286A3. The term "special exception" includes the terms "special use" or "special use permit."

Spot zoning means a form of discriminatory zoning whose sole purpose is to serve the private interests of one or more landowners instead of furthering the welfare of the entire community as part of an overall zoning

plan. Although changing the zoning classification of any parcel of land to permit a more intensive use could possibly constitute spot zoning, the test lies in its relationship to the existing zoning pattern and guidelines of the local comprehensive plan. Spot zoning is based on the arbitrary and inappropriate nature of a rezoning change rather than, as is commonly believed, in the size of the area being rezoned.

Store. See *Retail stores and shops.*

Story means that portion of a building, other than the cellar or basement, included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, the space between the floor and the ceiling next above it.

Street, road, means a public thoroughfare which affords principal means of access to abutting property.

Street line means the dividing line between a street or road right-of-way and the contiguous property.

Structure means anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. The term "structure" includes, among other things, dwellings, buildings, signs, etc.

Tourist court, auto court, motel, cabin or motor lodge means one or more buildings containing individual sleeping rooms, designed for or used temporarily by automobile tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.

Tourist home means a dwelling where only lodging is provided or compensation for up to 14 persons (in contradistinction to hotels and boardinghouses) and open to transients.

Tower means ~~means~~ any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term "tower" includes, but is not limited to, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone and wireless communication towers and alternative tower structures.

Travel trailer means a vehicular structure mounted on wheels which is designed as temporary living accommodations for recreation, camping, and travel use and can be easily towed by automobile or small truck and does not require special highway movement permits.

Truck camper means a portable structure designed to be loaded onto or affixed to the bed or chassis of a truck, and designed to be used as temporary living accommodations for recreation, camping and travel use.

Use, accessory, means a subordinate use customarily incidental to and located upon the same lot occupied by the main use.

Variance means a reasonable deviation from those provisions regulating the size or area of a lot or parcel of land or the size, area, bulk, or location of a building or structure when the strict application of this chapter would result in unnecessary or unreasonable hardship to the property owner, and such need for a variance would not be shared generally by other properties, and provided that such variance is not contrary to the intended spirit and purpose of this chapter, and would result in substantial justice being done.

Waste, waste-related materials means any refuse, rubbish, trash, by-products from any mechanical, construction, health or energy producing process, and materials or products for recycling.

Waterborne commerce means any activity that involves the transshipment of goods and commodities by water.

Wireless communication facility (WCF) means any unstaffed facility for the transmission and/or reception of wireless ~~communications~~ communications services, usually consisting of antennas, transmission cables, equipment facilities and a support structure or tower.

Yard means an open space on a lot other than a courtyard unoccupied and unobstructed from the ground upward, except as otherwise provided in this section.

Front yard means an open space on the same lot as a building between the front line of the building (excluding steps) and the front lot or street line and extending across the full width of the lot.

~~Rear yard~~ *Rear yard* means an open, unoccupied space on the same lot as a building, between the rear line of the building (excluding steps) and the rear line of the lot, and extending the full width of the lot.

~~Side yard~~ *Side yard* means an open, unoccupied space on the same lot as a building, between the sideline of the building (excluding steps) and the sideline of the lot, and extending from the front yard line to the rear yard line.

(Code 1989, § 24-1; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Ord. of 7-14-1997; Ord. of 2-9-1998; Ord. of 1-10-2000; Ord. of 6-24-2002; Ord. of 4-28-2003; Ord. No. O-01-2012, § 24-1, 8-28-2012; Ord. of 7-26-2018(1), § 24-1; Ord. of 4-22-2019)

ARTICLE III. SINGLE-FAMILY RESIDENTIAL DISTRICTS (R-1A, R-1B, R-1C)

Sec. 38-75. Statement of intent.

- (a) The Single-Family Residential District (R-1A through R-1C and R-2) are composed of certain quiet, low-density residential areas plus certain open areas where similar residential development is recommended to occur by the town plan. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, and to promote and encourage a suitable environment for family life where there are children and to prohibit all activities of a commercial nature. To these ends, development is limited to a relatively low concentration, and permitted uses are basically limited to single-unit dwellings providing homes for the residents, plus certain additional uses, such as ~~municipal parks,~~ churches and certain public facilities that serve the residents of the district. ~~It shall be a condition of issuance of a special use permit that the owner of the dwelling within which the apartment is located actually reside within the dwelling itself.~~
- (b) In recognition of the fact that the town contains a large variety of lot sizes in the Single-Family Residential District ~~the town created three separate zones, (R-1A, R-1B, and through R-1C), and to provide a zone in which manufactured housing is a use by right, three separate zones have been created.~~
- (c) ~~In order to minimize non-conformance, where significant clusters of small lots exist in a neighborhood, they have been designated as R-1B Districts.~~ Front setback lines, street frontages, yard regulations and lot depths in R-1A ~~are larger than other residential districts, and R-1B Districts differ for these reasons. All other than these types of differences,~~ regulations in ~~these residential two~~ zones are the same.
- (d) The R-1C District has been created, at the request of the residents in these neighborhoods, ~~in order to~~ provide areas in the town where manufactured ~~and mobile~~ homes are permitted. All other regulations in R-1C Districts are the same as ~~R-1B~~ other residential Districts.
- (e) R-1A, R-1B and R-1C Districts designations appear on the official zoning map for the town.

(Code 1989, § 24-14; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-76. Principal permitted uses and structures.

The following uses shall be permitted subject to all the other requirements of this chapter as a matter of right in the Single-Family Residential District (R-1):

- (1) Single-family dwellings, excluding manufactured, ~~modular, -or mobile~~ homes, in R-1A and R-1B Districts. ~~Any construction method other than standard stick-build requires a Special Use Permit for R-1A and R-1B districts.~~
- (2) Single-family dwellings, to include manufactured, ~~mobile, or modular~~ homes of ~~at least~~ 28 feet wide and ~~at least~~ 24 feet in length or larger, in R-1C Districts. ~~Manufactured or mobile homes must have wheels removed and be completely skirted. The town strongly encourages permanent foundations for manufactured or mobile homes. Any construction method or home type other than stick-built, manufactured, mobile, or modular requires a Special Use Permit for the R-1C district.~~
- (3) Accessory buildings permitted as defined in section 38-1.
- (4) Public utilities. Poles, distribution lines, distribution transformers, pipes, ~~meters meters,~~ pump stations, and other facilities necessary for the provision and maintenance of public utilities, including ~~electric,~~

cable, internet, water and sewerage facilities. Transmission lines, transmission towers, and electrical substations are not deemed necessary facilities under this section.

(5) Home occupations, provided that:

- a. No person other than members of the family residing on the premises shall be engaged in such occupation.
- b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit or 25 percent of said floor area if conducted in an accessory building, shall be used in the conduct of the home occupation.
- c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, non-illuminated.
- d. There shall be no sales to the ~~general public~~public other than items handcrafted ~~or improved on~~ the premises by a person living legally in the residence. Items purchased for resale on the premises are considered retail business and not allowed as a home occupation.
- e. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in the front yard.
- f. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, ~~odors~~odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family dwelling. ~~In the case of the electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.~~
- g. Complaints from neighbors are taken very seriously. Three complaints within a 12-month period may result in the town withholding or revoking a business license for the home occupation.

(6) Nonconforming residences with apartments

- a. In order to have an apartment within a main dwelling, the owner must secure a Special Use Permit.
 - (i) A condition of the Permit requires the owner of the dwelling to live on site.

(Code 1989, § 24-15; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-78. Minimum lot dimensions.

The following area regulations shall apply in the Single-Family Residential District (R-1):

- (1) For residential lots containing or intending to contain a single-family dwelling, the minimum lot area shall be 10,000 square feet.
- (2) For lots wider than 75 feet the minimum depth of the lot shall be 100 feet.

(Code 1989, § 24-17; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

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Sec. 38-79. Setback regulations.

The following setback regulations shall apply in the Single-Family Residential District (R-1):

- (1) Buildings in R-1A Districts shall be located 35 feet or more from any street right-of-way. When a structure is to be built in an area where there are existing structures, the minimum setback may be waived by the zoning administrator to allow the setback line to be the average setback of the structures fronting on either side.
- (2) ~~Main buildings should be set back 35 feet from the street.~~
- (3) Accessory buildings in R-1A Districts shall be located 35 feet or more from any street right-of-way. No accessory building shall be located closer to the front than the main dwelling. When a structure is to be built in an area where there are existing structures, the minimum setback may be waived by the zoning administrator to allow the setback line to be the average setback of the structures fronting on either side.
- (4) Buildings in R-1B and R-1C Districts shall be located ten feet or more from any street right-of-way. When a structure is to be built in an area where there are existing structures, the minimum setback may be waived to allow the setback line to be the average setback of the structures fronting on either side.
- (5) ~~Main buildings in R-1B and R-1C Districts should be set back ten feet from the street.~~
- (6) Accessory buildings in R-1B and R-1C Districts shall be located ten feet or more from any street right-of-way. No accessory building shall be located closer to the front than the main dwelling. When a structure is to be built in an area where there are existing structures, the minimum setback may be waived by the zoning administrator to allow the setback line to be the average setback of the structures fronting on either side.

(Code 1989, § 24-18; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997; Amd. of 1-10-2000)

Sec. 38-80. Frontage regulations.

The following frontage regulations shall apply in the Single-Family Residential District (R-1):

- (1) For single-family dwellings and all other permitted uses in the R-1A District, there shall be a minimum lot width at the setback line of 75 feet and a minimum frontage on a public street of 75 feet. All lots shall front on a public street to be used for any uses permitted in this district.
- (2) For single-family dwellings and all other permitted uses in the R-1B and R-1C Districts, there shall be a minimum lot width at the setback line of 50 feet and a minimum frontage on a public street of 50 feet. All lots shall front on a public street to be used for any uses permitted in this district.

(Code 1989, § 24-19; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-81. Yard regulations.

The following yard regulations shall apply in the Single-Family Residential District (R-1):

- (1) *Main buildings in the R-1A District.*
 - a. *Side.* The minimum side yard shall be ten feet and the total width of the two required side yards shall be 25 feet or more.

-
- b. *Rear.* Each main building shall have a rear yard of 25 feet or more.
 - c. *Buildings.* Each building shall have a 35-foot setback from the street.
- (2) *Accessory buildings in the R-1A District.*
- a. *Street setback.* Each accessory building shall have a street setback of 35 feet.
 - b. *Side.* The minimum side yard shall be three feet.
 - c. *Rear.* Each accessory building shall have a rear yard of three feet or more.
- (3) *Main buildings in the R-1B and R-1C Districts.*
- a. *Side.* The minimum side yard shall be five feet and the total width of the two required side yards shall be 15 feet or more.
 - b. *Rear.* Each main building shall have a rear yard of 25 feet or more.
- (4) *Accessory buildings in the R-1B and R-1C Districts.*
- a. *Side.* The minimum side yard shall be three feet.
 - b. *Rear.* Each accessory building shall have a rear yard of three feet or more.
- (5) *Fence regulations in the R1-A, R1-B and R1-C Districts.*
- a. All fences may be erected to within one inch of the property line except that a fence or wall must be two feet from any sidewalk, [alleyway](#), or public right-of-way.
 - b. All fences closer to the front lot line than a point even with the front of the main structure shall have a maximum height of four feet. [Fences in the rear shall have a maximum height of eight feet with the finished side facing outward toward abutting property.](#)
 - c. All fences closer to the front lot line than a point even with the front of the main structure shall [be at least 30 percent open space leave an opening no less than 30% of the property width.](#)

(Code 1989, § 24-20; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997; Amd. of 1-10-2000; Amd. of 5-22-2000)

Sec. 38-82. Height regulations.

Buildings in the Single-Family Residential District (R-1) may be erected up to 2 ½ stories and 35 feet in height, except that:

- (1) Public utility structures, church spires, belfries, cupolas, water towers, chimneys, flues, television antennas and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.
- (2) No accessory building which is within ten feet of any part of a lot line shall be more than one story high. All accessory buildings shall be less than the main buildings in height.

(Code 1989, § 24-21; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-83. Special provisions for corner lots.

The following provisions shall apply to corner lots in the Single-Family Residential District (R-1):

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- (1) Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets with frontage setback line, side yard and rear yard requirements to be determined accordingly.
 - (2) The side yard on the side facing the side street shall be ten feet or more for both main and accessory building. Television antennas, including satellite dish antennas, and other types of communications antennas and/or towers and similar structures shall not be closer to the side street than the minimum side yard line or the portion of the main structure, not including porches, nearest to the side street, whichever is the greatest distance.
 - (3) All fences ~~in side~~in the side yard exceeding four feet in height closer to the side street than the main structure shall require a special use permit, as set out in article XV of this chapter, from the town council. ~~All property owners contiguous to the applicant's property or immediately across any street abutting the applicant's property shall be notified of the public hearing by certified mail mailed at least ten days prior to the public hearing to the last known address as shown on the town's real estate tax records.~~

(Code 1989, § 24-22; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997; Amd. of 5-22-2000)

Secs. 38-84—38-109. Reserved.